

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on May 5, 2009.

Mayor David W.Cline presided and called the meeting to order at 6:30 p.m.

Mayor Cline led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Joe McKenzie, YEA Commissioner David Schilling, YEA Mayor David Cline.

Also physically present were City personnel: City Administrator Alan Gilmore, Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief David Griffith, Fire Chief Mike Chism, Deputy Police Chief Adam Weinstock, Assistant Fire Chief Andy Adair, Community Development Coordinator Kyle Gill, Water Treatment Plant Superintendent Jim Lang, Tourism Director Angelia Burgett, Technology Coordinator Brian Johanpeter, and City Clerk Susan O'Brien.

Mayor Cline seconded by Commissioner Schilling moved to approve the consent agenda consisting of minutes of the regular meeting April 21, 2009; Police Department Report for the month of March, 2009 and Fire Department Report for the month of April, 2009, payroll and bills for the last half of April, 2009 and HOME Rehab Grant Expenditures.

**Bills and Payroll for last part of April, 2009**

**General Fund**

Payroll		\$ 256,757.37
Bills		<u>\$ 208,817.87</u>
	Total	\$ 465,575.24

**Hotel Tax Fund**

Payroll		\$ 1,664.58
Bills		<u>\$ 16,555.27</u>
	Total	\$ 302.27

**Festival Management**

Bills		<u>\$ 3,170.87</u>
	Total	\$ 3,170.87

**Insurance & Tort  
Judgment**

Bills		<u>\$ 13,686.85</u>
	Total	\$ 13,686.85

**South Rt 45 Business Dist**

Bills		<u>\$ 35,000.00</u>
		\$ 35,000.00

**Mall Business District**

Bills		<u>\$ 214,000.00</u>
	Total	\$ 214,000.00

**Capital Project Fund**

Bills		<u>\$ 450,032.00</u>
	Total	\$ 450,032.00

**Water Fund**

Payroll		\$ 33,034.02
Bills		<u>\$ 444,107.89</u>
	Total	\$ 477,141.91

**Sewer Fund**

Payroll		\$ 32,104.91
Bills		<u>\$ 28,424.80</u>
	Total	\$ 60,529.71

**Cemetery Fund**

Payroll		\$	4,329.13
Bills		\$	<u>530.24</u>
	Total	\$	4,293.30

**Health Insurance**

Bills		\$	<u>79,092.88</u>
	Total	\$	79,092.88

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling reflected on his Council service. Commissioner McKenzie thanked the support of the Council, Department Heads, and citizens. Mayor Cline thanked both Commissioners for their service.

Deputy Chief Adam Weinstock took a group photo of the outgoing Council and newly-elected Council.

City Clerk O'Brien administered the Oath of Office to the Newly-Elected Council.

Mayor Cline welcomed the incoming Commissioners.

The following members of the Council answered roll call physically present: YEA Commissioner Randy Ervin, YEA Commissioner Tim Gover, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, YEA Mayor Cline.

Mayor Cline opened the floor for presentations, petitions and communications.

Mr. Doug McDermand of the Coles County Regional Planning & Development Commission reviewed the HOME Rehabilitation Grant awarded to the City of Mattoon, and its impact on Mattoon homes.

Mrs. Jackie Record thanked the Mayor and previous Council for their support on the Depot project. Administrator Gilmore updated the Council and attendees with a progress report on the Depot project.

Mayor Cline seconded by Commissioner Ervin moved to adopt Ordinance 2009-5277, amending the municipal code of ordinances to establish powers and duties of each departmental commissioner.

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**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2009-5277**

**AN ORDINANCE AMENDING THE MATTOON CODE OF  
ORDINANCES TO PROVIDE MINOR CHANGES TO THE POWERS AND DUTIES OF CERTAIN  
DEPARTMENTAL COMMISSIONERS**

**WHEREAS**, the City of Mattoon operates under a commission form of municipal government as provided in Illinois statutes, wherein the elected council members have individual administrative powers and duties as a commissioner in charge of a department of the municipality; and

**WHEREAS**, under the commission form of government, each commissioner has "superintendent" status over the department assigned to him and is vested with a measure of discretionary authority in his supervision of the activities of his respective departments; and

**WHEREAS**, the powers and duties of the departmental commissioners are traditionally re-evaluated after the election of new members to the City Council to assign commissioners to supervise departments according to their qualifications, experience and their preferences; and

**WHEREAS**, the City Council desires to make two minor changes in the powers and duties of the Commissioner of the Department of Public Affairs and the Commissioner of Accounts and Finances; and

**WHEREAS**, the time is now appropriate to organize the government of the newly elected commissioners.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** Section §33.015 of the Mattoon Code of Ordinances is hereby amended by adding the following paragraph as Paragraph (G):

- (G) The Commissioner of the Department of Public Affairs shall have charge of and supervision of organizational technology for the municipality.

**Section 2.** Section §33.025 of the Mattoon Code of Ordinances is hereby amended by striking Paragraph (G) in its entirety.

**Section 3.** Paragraph (F) of Section §33.025 of the Mattoon Code of Ordinances is repealed and re-enacted as follows:

- (F) The Commissioner of Accounts and Finances shall have charge of city beautification and the environmental committee.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner Ervin, adopted this 5<sup>th</sup> day of May, 2009 by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,  
Commissioner Hall, Commissioner Rankin  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 5<sup>th</sup> day of May, 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 6, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Hall moved to adopt Resolution 2009-2771, assigning members of the City Council to departments for the administration of the municipal government.

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2009-2771**

**A RESOLUTION ASSIGNING MEMBERS OF THE CITY COUNCIL TO DEPARTMENTS FOR THE  
ADMINISTRATION OF THE MUNICIPAL GOVERNMENT**

**BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**BE IT RESOLVED** that the powers and duties of the Commissioners assigned to the following Departments were established by Ordinance 2009-5277, adopted this same date for the administration of the municipal government of the City of Mattoon, Coles County, Illinois:

- (A) Department of Public Affairs,
- (B) Department of Accounts and Finances,
- (C) Department of Streets and Public Improvement,
- (D) Department of Public Property
- (E) Department of Public Health and Safety.

**BE IT FURTHER RESOLVED** that the following members of the City Council are assigned to the foregoing Departments:

- (A) David W.Cline to the Department of Public Affairs.
- (B) Tim Gover to the Department of Accounts and Finances.
- (C) Randy Ervin to the Department of Streets and Public Improvement.
- (D) Chris Rankin to the Department of Public Property.
- (E) Rick Hall to the Department of Public Health and Safety.

Upon motion by Mayor Cline, seconded by Commissioner Hall, adopted this 5th day of May, 2009 by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover  
Commissioner Hall, Commissioner Rankin  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of May, 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 6, 2009.

Mayor Cline opened the floor for questions or comments. Mayor Cline read the following assignments:

David W. Cline to the Department of Public Affairs;  
Tim Gover to the Department of Accounts and Finances;  
Randy Ervin to the Department of Streets and Public Improvement;  
Chris Rankin to the Department of Public Property;  
Rick Hall to the Department of Public Health and Safety.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Hall moved to adopt Resolution 2009-2772, appointing Susan J. O'Brien to the office of City Clerk and J. Preston Owen to the offices of City Attorney and City Treasurer.

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2009-2772**

**A RESOLUTION APPOINTING SUSAN J. O'BRIEN TO THE OFFICE OF CITY CLERK AND J. PRESTON OWEN TO THE OFFICES OF CITY ATTORNEY AND CITY TREASURER**

**WHEREAS**, the status of appointed officers of the municipality are traditionally re-evaluated after the election of new members to the City Council; and

**WHEREAS**, it is necessary to appoint a municipal clerk, attorney and treasurer at the first regular or special meeting of a newly elected City Council to enable the business of the municipal corporation to continue without interruption.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS** as follows:

**Section 1.** The Council hereby ratifies the mayor's appointment of Susan J. O'Brien to the office of City Clerk.

**Section 2.** The Council hereby ratifies the mayor's appointment of J. Preston Owen to the offices of City Attorney and City Treasurer.

Upon motion by Mayor Cline, seconded by Commissioner Hall adopted this 5th day of May, 2009 by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,  
Commissioner Hall, Commissioner Rankin,  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of May, 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST: \_\_\_\_\_ APPROVED AS TO FORM: \_\_\_\_\_

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 6, 2009.

Mayor Cline opened the floor for questions or comments. Commissioner Rankin reported there was no conflict by Mr. Owen holding both offices, according to the Attorney General.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Ervin moved adopt Resolution 2009-2773, designating the depositories in which the funds or moneys of the City may be deposited.

## CITY OF MATTOON, ILLINOIS

**RESOLUTION NO. 2009 - 2773**

**A RESOLUTION DESIGNATING DEPOSITORIES FOR FUNDS AND MONEYS OF THE CITY OF MATTOON,  
ILLINOIS**

**WHEREAS**, pursuant to the terms of an Act of the General Assembly of the State of Illinois adopted and now in force and effect, it is required that a designation be made of a bank or banks, or other depository in which the funds and monies in the custody of the City Treasurer of the City of Mattoon, Illinois, may be deposited.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Mattoon, Coles County, Illinois, that all banks and financial institutions with facilities within the city limits of Mattoon, the Illinois Funds and Wachovia Securities are hereby designated depositories in which the funds and moneys of the City of Mattoon, Illinois, in the custody of the City Treasurer of the City of Mattoon, Illinois, may be deposited.

**BE IT FURTHER RESOLVED** that no bank herein designated as a depository shall be qualified to receive such funds or moneys until it has furnished the City of Mattoon with copies of the two last sworn statements of Resources and Liability, which such bank is required to furnish to the Auditor of Public Accounts, or to the Comptroller of Currency.

**BE IT FURTHER RESOLVED** that each bank designated as depository for such funds or moneys shall furnish the City Council of the City of Mattoon with a copy of all bank statements, which it is required to furnish to the Auditor of Public Accounts, or the Comptroller of Currency, while acting as such depository.

**BE IT FURTHER RESOLVED** that if such funds or moneys are deposited in a bank herein designated as a depository, the amounts of such deposits shall not exceed 75% of the capital stock and surplus of such banks, and the City Treasurer shall not be discharged from responsibility for any such funds or moneys deposited in any bank in excess of such limitation.

**BE IT FURTHER RESOLVED** that the depositories mentioned herein have furnished that body with copies of their past two statements as furnished to the Comptroller of Currency, or Auditor of Public Accounts, which statements are approved and accepted.

Upon motion by Commissioner Gover, seconded by Commissioner Ervin, adopted this 5th day of May, 2009 by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,  
Commissioner Hall, Commissioner Rankin,  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 5<sup>th</sup> day of May 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 6, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Hall moved to adopt Resolution 2009-2774, authorizing the Mayor, City Treasurer and City Clerk to sign checks by facsimile signature.

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## CITY OF MATTOON, ILLINOIS

### RESOLUTION NO. 2009-2774

#### A RESOLUTION AUTHORIZING THE MAYOR, TREASURER AND CITY CLERK TO SIGN CHECKS BY STAMPED SIGNATURE

**BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS THAT THE MAYOR, CITY TREASURER AND CITY CLERK ARE HEREBY AUTHORIZED TO SIGN CHECKS ISSUED BY THE CITY OF MATTOON BY STAMPING THEREON FACISIMILE SIGNATURES, WHICH FACISIMILE SIGNATURES OF SAID OFFICIALS ARE STAMPED BELOW:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Treasurer

\_\_\_\_\_  
City Clerk

**BE IT FURTHER RESOLVED THAT AT LEAST ONE SIGNATURE ON EVERY CHECK ISSUED BY THE CITY OF MATTOON SHALL BEAR AN ORIGINAL SIGNATURE OF THE CITY TREASURER OR CITY CLERK.**

Upon motion by Commissioner Gover, seconded by Commissioner Hall, adopted this 5th day of May, 2009 by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,  
Commissioner Hall, Commissioner Rankin,  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of May, 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 6, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Rankin moved to adopt Special Ordinance 2009-1331, granting a special use permit to enable construction of a communications tower located at 5001 Lake Land Boulevard (Lake Land College). Petitioners – Lake Land College & Verizon Wireless

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2009-1331**

AN ORDINANCE GRANTING A SPECIAL USE TO ENABLE CONSTRUCTION OF A 196 FEET TALL COMMUNICATIONS TOWER LOCATED AT 5001 LAKE LAND BLVD., ALSO KNOWN AS LAKE LAND COLLEGE

**WHEREAS** there has been filed a written Petition by Lake Land College and Verizon Wireless for a special use, to allow construction of a communications tower replacing an existing radio tower, respecting the property legally described as:  
P.I.N. # 10-0-00033-000

A 70 FOOT BY 80 FOOT LEASE TRACT AND UTILITY EASEMENT BEING A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE SOUTH 89-49'-33" WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 1,466 FEET, MORE OR LESS; THENCE NORTH, A DISTANCE OF 239 FEET, MORE OR LESS TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE CONTINUING NORTH, A DISTANCE OF 70.00 FEET; THENCE WEST, A DISTANCE OF 80.00 FEET; THENCE SOUTH A DISTANCE OF 70.00 FEET; THENCE EAST, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.13 ACRE, MORE OR LESS SITUATED IN THE COUNTY OF COLES AND STATE OF ILLINOIS,

TOGETHER WITH A 25 FOOT WIDE ACCESS DRIVEWAY AND UTILITY EASEMENT OVER, ACROSS AND THROUGH A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 2, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF BEGINNING OF THE ABOVE DESCRIBED TRACT OF LAND; THENCE WEST, A DISTANCE OF 21.26 FEET TO THE POINT OF BEGINNING OF SAID CENTERLINE TO BE DESCRIBED; THENCE SOUTH, A DISTANCE OF 8.63 FEET; THENCE IN A SOUTHEASTERLY DIRECTION ON A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET FOR AN ARC DISTANCE OF 30.05 FEET; THENCE SOUTH 49-11'-45" EAST, A DISTANCE OF 13.7 FEET TO A POINT ON THE EXISTING EDGE OF PAVEMENT OF A PRIVATE ROAD AND THE TERMINUS OF SAID CENTERLINE.

**WHEREAS**, said petition requests that a special use be granted pursuant to applicable ordinances of the municipality to allow construction of a new communications tower replacing an existing radio tower on .13 acres out of the parent parcel of 65 acres located at 5001 Lake Land Blvd.

**WHEREAS** the college is zoning C1, Neighborhood Commercial District, and the zoning code requires communications towers to be in C4, General Commercial District; and

**WHEREAS** the Zoning Board of Appeals held a properly noticed, public hearing on April 21<sup>st</sup>, 2009 regarding petitioner's request for said special use; and

**WHEREAS** both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested special use be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, as follows:

**Section 1.** Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a special use, to allow construction of a new communications tower replacing an existing radio tower on .13 acres out of the parent parcel of 65 acres located at 5001 Lake Land Blvd., also known as Lake Land College.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

**Section 4.** The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Cline, seconded by Commissioner Rankin, adopted this 5th day of May, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,  
Commissioner Hall, Commissioner Rankin,  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 5<sup>th</sup> day of May, 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

/s/ J. Preston Owen



Recorded in the Municipality's Records on May 6, 2009.

Mayor Cline opened the floor for questions or comments. Coordinator Gill announced the passage of the permit at the Zoning Board of Appeals meeting.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2009-957, accepting the bid from General Chemical in the amount of \$34,080.00 for the purchase of aluminum sulfate (alum) chemical for water treatment over the next six months.

Mayor Cline opened the floor for questions or comments. Director Wortman stated most bids were for one year, except the alum bid was for six months, due to the escalated price and was to be re-bid in six months.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Hall moved to approve Council Decision Request 2009-958, rejecting bids for 2009 Street Maintenance; and authorizing the re-bidding of the 2009 Street Maintenance. [09-00000-00-GM]

Mayor Cline opened the floor for questions or comments. Director Wortman stated a 54% increase in the price for oil and only received one bid. Commissioner Ervin reported Charleston Township had received a bid substantially lower. Director Wortman intended to contact other entities.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Gover moved to approve Council Decision Request 2009-959, accepting the proposals from McGinnis Concrete Inc. of Jewett, Illinois; and authorizing the Mayor to sign the contracts for the removal and replacement of sidewalk on Western Avenue in the amount of \$54,234.54 and Broadway Avenue in the amount of \$61,769.34. [07-00160-01-SW & 07-00160-02-SW]

Mayor Cline opened the floor for questions or comments. Director Wortman stated the \$500,000 in bonds were for sidewalk replacement, explained the walkable track plan, and removal of a section in the contract.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2009-960, authorizing the Mayor to accept the bid and to sign a contract with Feutz Contractors, Inc. of Paris, Illinois for the Roundhouse Multi-sport Complex Project in the amount of \$559,881.72.

Mayor Cline opened the floor for questions or comments. Director Wortman stated this was the largest portion of the \$800,000 bond for the walking trail, the grass-paved parking lot, and concrete for skate park.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Hall moved to adopt Resolution 2009-2775, accepting a \$210,000 Grant of HOME Single Family Housing Rehabilitation Funds and authorizing the Mayor to sign all documents incidental to the grant program.

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2009-2775**

**A RESOLUTION ACCEPTING A \$210,000 GRANT OF HOME SINGLE FAMILY HOUSING REHABILITATION FUNDS AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS INCIDENTAL TO IMPLEMENTATION OF THE GRANT PROGRAM**

**WHEREAS**, the City of Mattoon (hereinafter “**SPONSOR**”), applied to the State of Illinois for HOME Single Family Owner Occupied Rehabilitation Program grant funds administered by the Illinois Housing Development Authority (“**IHDA**”), and

**WHEREAS**, the Sponsor has been awarded a grant (“**Grant**”) from the IHDA, program administrator of the HOME Investment Partnership Program (“**HOME Program**”) for the State of Illinois, in the amount of Two Hundred Ten Thousand and no/100 dollars (\$210,000) under the IHDA’s Single Family Owner Occupied Rehabilitation Program (“**SFOOR**”), and in order to receive such a Grant, the Sponsor must formally accept the terms and conditions of the Grant, including but not limited to the Grant Agreement, and authorize certain of its officials to execute the appropriate documents required in connection with the Grant, and

**WHEREAS**, it is necessary for the City Council to authorize the Mayor and to sign documents as required by the Illinois Housing Development Authority in connection with said HOME funds.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

**RESOLVED** that the Grant Agreement and the documents identified in the Grant Agreement, drafts of which have been presented to the City Council of the Sponsor, be, and hereby are, approved.

**FURTHER RESOLVED**, that the Delegation Agreement by and among the Sponsor and Coles County Regional Planning & Development Commission, and the documents identified therein, drafts of which have been presented to the City Council of the Sponsor, be, and hereby are, approved.

**FURTHER RESOLVED**, that the Mayor is hereby authorized and empowered to execute and deliver in the name of or on behalf of the Sponsor the Grant Agreement and any and all amendments, modifications and supplements thereto, and to execute and deliver such additional documents, instruments and certificates as may be necessary or desirable for the Sponsor to perform its obligations under the Grant Agreement.

**FURTHER RESOLVED** that the Mayor be and is hereby authorized and directed to take such additional actions, to make further determinations, to pay such costs and to execute and deliver such additional instruments (including any amendments, Grant Agreements or supplements) as he or she deems necessary or appropriate to carry into effect the foregoing resolutions.

**FURTHER RESOLVED**, that the acts of the Sponsor and the Mayor or in negotiating the Grant Agreement, including those acts taken prior to the date hereof, be, and the same hereby are, in all respects, ratified, confirmed and approved.

Upon motion by Commissioner Gover, seconded by Commissioner Hall adopted this 5th day of May, 2009, by a roll call vote, as follows:

AYES (Names):            Commissioner Ervin, Commissioner Gover,  
                                 Commissioner Hall, Commissioner Rankin,  
                                 Mayor Cline

NAYS (Names):           None

ABSENT (Names):        None

Approved this 5th day of May, 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O’Brien  
Susan J. O’Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on May 6, 2009.

IN WITNESS WHEREOF, this Certificate is executed and delivered as of May 5, 2009.

/s/ Susan J. O’Brien

Printed Name: Susan J. O'Brien

The undersigned Mayor of the Sponsor certifies that the person named above is the duly appointed City Clerk of the Sponsor and that the signature set forth immediately above is her genuine signature.

IN WITNESS WHEREOF, this Certificate is executed and delivered as of May 5, 2009.

/s/ David W. Cline

Printed Name: David W. Cline

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Gover seconded by Commissioner Rankin moved to approve Council Decision Request: 2009-961, accepting the recommendations of the TIF Incentive Review Committee to grant John and Cheryl Armstrong dba AK Investments granting an annual subsidy of \$2,700 from available Midtown TIF funds to be disbursed over 3 years beginning in fiscal year 2010 to enable façade improvements for a building located at 1913 Western Avenue.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Ervin moved to approve Council Decision Request 2009-962, approving a \$10,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon Cobra Softball for hosting the 4<sup>th</sup> Annual USSSA Mother's Day Softball Invitational World Series Qualifier on May 8-10, 2009 and the 2009 USSSA Central Illinois State Championships & World Series Qualifier on June 12-14, 2009 in the amount of \$8,000.00; and \$2,000 to the Parks Department for field preparation.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Gover moved to approve Council Decision Request 2009-963, approving a \$11,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to Mattoon Multisport in the amount of \$7,000 for hosting six races:

May 9, 2009	May Mayhem Duathlon and Triathlon;
June 27, 2009	Mattoon Beach Triathlon;
August 9, 2009	Mattoon Man Triathlon;
August 15, 2009	Lytle Pool Triathlon;
September 5, 2009	The Great Illini Challenge;
October 11, 2009	Lake Land Duathlon;
and \$4,000 to the Parks Department for lake preparation costs.	

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Ervin moved to approve Council Decision Request 2009-964, approving a \$900 grant by the Tourism Advisory Committee from hotel/motel tax funds to EIU Kinesiology & Sports Studies for hosting the EIU/IHSA Girl's State Badminton Championships to be held May 14-16, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall stated an anticipated two million dollars in revenues from all of the grants' activities in the surrounding community.

Mayor Cline seconded by Commissioner Ervin moved to recess to closed session at 6:58 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); and collective negotiating matters (5 ILCS 120(2)(c)(2)).

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Council reconvened at 8:47 p.m.

City Administrator Alan Gilmore, Attorney & Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief David Griffith, Fire Chief Mike Chism, Deputy Police Chief Adam Weinstock, Assistant Fire Chief Andy Adair, Water Treatment Plant Superintendent Jim Lang, Technology Coordinator Brian Johanpeter, and City Clerk Susan O'Brien were physically present.

Mayor Cline seconded by Commissioner Gover moved to adopt Special Ordinance 2009-1332, approving an extension of the City Administrator's contract per the substitute agreement.

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2009-1332**

**AN ORDINANCE RATIFYING THE EMPLOYMENT AGREEMENT OF  
ALAN L. GILMORE FOR THE POSITION OF CITY ADMINISTRATOR**

**WHEREAS**, the City of Mattoon enters into employment agreements with member of its managements team; and,

**WHEREAS**, the employment agreement with City Administrator Gilmore is set to expire with the term of the outgoing City Council; and,

**WHEREAS**, The parties wish to memorialize the terms of City Administrator Gilmore's continuing employment with the City.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:**

Section 1. The City Council hereby approves an Employment Agreement with Alan L. Gilmore for the position of City Administrator, a copy of which is attached hereto and incorporated herein by reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner Gover, adopted this 5th day of May, 2009, by a roll call vote, as follows:

AYES (Names):           Commissioner Ervin, Commissioner Gover,  
                                  Commissioner Hall, Commissioner Rankin,  
                                  Mayor Cline

NAYS (Names):           None

ABSENT (Names):       None

Approved this 5th day of May, 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 6, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Hall moved to adopt Special Ordinance 2009-1333, approving extensions of employment contracts of management personnel.

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2009-1333**

**AN ORDINANCE RATIFYING THE EXTENSION OF CERTAIN  
EMPLOYMENT AGREEMENTS WITH MANAGEMENT  
PERSONNEL OF THE CITY OF MATTOON**

**WHEREAS**, the City of Mattoon enters into employment agreements with member of its managements team; and,

**WHEREAS**, the City has employment agreements with Robin "Andy" Adair, Michael L. Chism, Adam J. Weinstock, Jeffrey M. Branson, David L. Griffith, Brian P. Johanpeter, J. Preston Owen and David M. Wortman are set to expire with the term of the outgoing City Council; and,

**WHEREAS**, over the next ninety days the City Council will evaluate and negotiate successor contracts with the above named individuals.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:**

Section 1. The City Council hereby approves the contract extensions attached hereto and incorporated herein by this reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Cline, seconded by Commissioner Hall, adopted this 5th day of May, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,  
Commissioner Hall, Commissioner Rankin,  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 5<sup>th</sup> day of May, 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 6, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Gover moved to adopt Resolution 2009-2776, providing that all incumbent officers, employees and members of Boards, Commissions and Advisory Committees of the municipality, whose offices or positions have not been filled by appointment for a subsequent term of office, will continue in the performance of their duties pending a three-month review of the municipal organization by the newly elected City Council.

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2009-2776**

**A RESOLUTION MAKING HOLDOVER APPOINTMENTS FOR INCUMBENT OFFICERS, EMPLOYEES, MEMBERS OF BOARDS, COMMISSIONS AND ADVISORY COMMITTEES**

**WHEREAS**, the status of officers, employees and persons appointed to Boards, Commissions and Advisory Committees of the municipality are traditionally re-evaluated after the election of new members to the City Council; and

**WHEREAS**, the City Council desires to ask such persons to continue to serve until the newly elected members of the Council have completed a review of the municipal organization and its operations.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS** that all incumbent officers, employees and members of Boards, Commissions and Advisory Committees of the municipality, whose offices or positions have not been filled by appointment for a subsequent term of office, will continue in the performance of their duties pending a six-month review of the municipal organization and its operations by the newly elected City Council.

Upon motion by Mayor Cline, seconded by Commissioner Gover, adopted this 5<sup>th</sup> day of May, 2009 by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,  
Commissioner Hall, Commissioner Rankin,  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 5<sup>th</sup> day of May, 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 6, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to approve Council Decision Request 2009-965, approving appointments/re-appointments to Boards:

Public Works Advisory Board with a term expiring 12/31/2012:  
Dean Coleman, Jeremy Doughty, Dan Lawrence, Bill Standerfer, David Stapleton, Hal Kottwitz, and Joe McKenzie; and

Planning Commission with terms expiring 4/30/2013:  
Mary Ann Alt, Gary Boske, Lew Stiff and Dean Willaredt; and

Festival Management Committee with terms expiring 4/30/2011:  
Brad Brown and Kim Janssen; and

Tourism Committee with terms expiring 3/01/2010:  
Chris Considine and Mary Wetzel; and

Library Board with terms ending 6/30/2012:  
Mary Jo Eberspacher, Clint Mausehund and Jack Keth; and

Electrical Commission with term ending 04/30/2013:  
Tom Graven.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

Commissioner Hall seconded by Commissioner Ervin moved to adopt Special Ordinance 2009-1334, approving a side letter agreement between the City of Mattoon and the Mattoon Firefighters Association Local 691 concerning a reduction in the minimum manning requirements and other incidental matters.

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2009-1334**

**AN ORDINANCE APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY OF MATTOON AND  
THE MATTOON FIREFIGHTERS ASSOCIATION LOCAL 691 CONCERNING A REDUCTION IN THE  
MINIMUM MANNING REQUIREMENTS CONTAINED IN THE CURRENT COLLECTIVE BARGAINING  
AGREEMENT AND OTHER MATTERS INCIDENTAL THERETO.**

**WHEREAS**, the City of Mattoon (hereinafter "City") entered into a Collective Bargaining Agreement (hereinafter "Agreement") with the Mattoon Firefighters Association Local 691 (hereinafter "Firefighters") on June 7, 2006 which is effective until April 30, 2010; and,

**WHEREAS**, said Agreement contains language requiring the City to maintain employment of a minimum of thirty-six (36) bargaining unit members; and,

**WHEREAS**, the City and the Firefighters have negotiated the terms for a reduction in the minimum number of bargaining unit members required to be employed from thirty-six (36) to thirty (30) by the City; and,

**WHEREAS**, the parties have drafted a Side Letter Agreement to memorialize the terms of their agreement.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:**

Section 1. The City Council hereby approves and ratifies the Side Letter Agreement hereto as Exhibit "A" and incorporated herein by this reference.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hall, seconded by Commissioner Ervin, adopted this 5<sup>th</sup> day of May, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Gover,  
Commissioner Hall, Commissioner Rankin,  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 5<sup>th</sup> day of May, 2009.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on May 6, 2009.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following votes: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

RESOLUTION 2009-2777 WAS NOT CONSIDERED.

Commissioner Hall seconded by Commissioner Ervin moved to adjourned at 8:51 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin, YEA Commissioner Gover, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Cline.

/s/ Susan J. O'Brien  
City Clerk